Nicaragua: Civilians and Military After the Sandinista Revolution

Margarita Castillo Villarreal

IN SOCIETIES undergoing democratic transition, as in those with stable democracies, civil authorities and the army are social actors involved in conflict and in its resolution within the structure of the state. Civil-military interaction is governed by the authority that comes from the framework of legal precepts that weigh on military institutions—precepts that subordinate them to legitimately constituted civil authorities.

The encounter between civilians and the military is also an equation of power. Conflict is inherent to civil-military interaction and levies a requirement for negotiation. In private, civilians and the military use negotiation and diverse methods of persuasion to develop laws and policies regarding national defense.

Nicaragua represents one case in which the interaction between civil authorities and the military occurred after negotiations and a peaceful transfer of power ensured the stability of military institutions and established a basis for civil-military relations in harmony with democracy.

In 1990, after some 11 years in power, the Sandinista National Liberation Front (FSLN) lost the presidential election in Nicaragua to the National Union of Opposition (UNO). Violeta Barrios de Chamorro became president on 25 February 1990, replacing FSLN leader Daniel Ortega, who had been the country's president since 1984. The results of the voting created a highly volatile situation: a liberal government assumed power, and a leftist army, born of revolution, subordinated itself to the new civilian authority.

When the FSLN triumphed in the revolution of 1979, it abolished the National Guard, which had protected dictator Anastasio Somoza's family, and replaced it with a new military structure—the Sandinista Peoples Army (EPS). The EPS was the armed wing of the FSLN, the party that led the Sandinista Popular Revolution. From 1979 until 1990, it was impossible to separate the state, the army, and the party; the EPS was part of the political and ideological apparatus that supported the revolution.

Nicaragua succeeded in overcoming the crisis created by the electoral results, thanks to the signing of a Protocol of Transition between the Sandinistas and representatives of UNO. The Protocol of Transition (Transition Accords) was a formal document through which the newly elected government pledged to respect the army's institutional integrity and its command structure in accordance with the Constitution and laws of Nicaragua. The accords also supported the army's professionalization. In exchange for these concessions, the EPS set aside its role as a partisan army and transformed itself into a professional organization that accepted the authority of the newly elected government. The act of transforming itself became the principal guarantee of its stability.

As one by-product of the Transition Accords, Chamorro retained the services of General Humberto Ortega, Daniel Ortega's brother and the commander of the EPS, during the approximately 11 years of the Sandinista revolution. But, Chamorro's decision did not have the blessing of conservative sectors of the country or of the U.S. Government, which saw General Ortega as one of the main obstacles to army modernization and the consolidation of democracy. General Ortega's continued presence as head of the EPS became a major issue of national debate.[1] His presence cast doubt that previous partisan links between the EPS and the FSLN had ended, making it more difficult to assimilate the EPS.[2]

FSLN national directorate member Luis Carrion described the difficult situation the EPS faced: "[During the revolution] there was simply a mix of civilian and military in the power structure. The army exercised a portion of the political power beyond the strictly military sphere. [This] was very damaging for relations between the army and a large portion of Nicaraguan society because the army merged with the civilian sector of the Sandinista government,

which necessarily divorced it from the rest of society that was not oriented toward the Sandinistas and had different political views. This made the process of assimilation of the army as a national institution much more difficult."[3]

General Ortega's service as chief of the EPS suggested the army was a corporate institution with ties not just to the Sandinistas but to General Ortega himself, which posed obstacles to EPS professionalization. Journalist Carlos Fernando Chamorro notes: "Ortega depoliticized the army in the real sense of the word. . . . I do not believe that he did it out of political altruism but out of personal interest. He took the army from a partisan mold and recast it in a definitively institutional one—subordinated to his personal leadership, of course."[4]

General Ortega's continued presence revealed that the military's modernization process was incomplete, and his retirement was a fundamental step forward in the professionalization of Nicaragua's armed forces.

The Crisis of 2 September 1993

Although President Chamorro remained committed to defending the EPS's institutional integrity, getting rid of General Ortega was always a political necessity for her government. Responding to external and internal pressure from the U.S. Government and the Nicaraguan right, President Chamorro claimed General Ortega's continued presence in the army was temporary and that he would retire from the military when she determined the opportune time for him to do so. For his part, General Ortega publicly questioned President Chamorro's power to discharge him from his post and emphasized that he alone would make the decision.

During the early years of the UNO government, the clashes between civilian and military authorities regarding General Ortega never went beyond simple verbal altercations, but on Army Day, 2 September 1993, a crisis emerged between the executive branch and the EPS. At the Army Day celebration, President Chamorro announced that, in the absence of any accord with the EPS, she intended to force General Ortega to retire in 1994.

The manner in which President Chamorro communicated her decision produced a confrontation between representatives of the FSLN, the EPS, and the executive branch. In a verbal exchange, FSNL leader and former president Daniel Ortega said to President Chamorro, "You are not the owner of Nicaragua." President Chamorro responded, "I am the President, and no one raises his voice to me." Another confrontation occurred between Major General Joaquín Cuadra and minister of the presidency Antonio Lacayo. Cuadra told Lacayo, "You sold out to the gringos." Lacayo replied, "I knew nothing about this."[5]

The judicial norm that weighed on the army at this time was Law 2-91, promulgated on 8 February 1991 by the president. Article 19 of that law empowered the president to name the commander in chief. However, this was to be done at the proposal of the military council. The law did not establish the term of the commander in chief or the causes for which the president could dismiss him.

The EPS chief of staff dispatched a communiqué declaring General Ortega's retirement was based on the Law of Military Organization and by what would be stipulated in a new law the EPS had just sent for approval by the National Assembly, not on President Chamorro's desires. In the communiqué the EPS also said that making internal changes to the military institution because of external or internal pressure would set a dangerous precedent. To counter the EPS communiqué, the government issued a statement reaffirming the president's announcement at the Army Day celebration and describing Daniel Ortega's commentary as "disrespectful" and the military's response as a "poorly-timed claim."

What occurred on 2 September 1993 was not just a simple exchange of words, but the manifestation of a crisis in the carefully crafted EPS alliance with the Chamorro group. The basis for the political model established after President Chamorro's electoral triumph had come to an end.

Negotiation of the Military Code

President Chamorro's decision regarding General Ortega's retirement brought the executive branch and the army to a political confrontation that placed Nicaragua in a dangerous situation. If the army had resorted to violence, all of the achievements that had been attained in consolidating peace might have been reversed. The crisis was resolved by negotiation and compromise. After lengthy negotiations, the civilian and military authorities agreed on General Ortega's retirement and the approval of the Code of Social Military Organization, Jurisdiction, and Forecast (Military Code). A military observer noted in 1994 that "the armed forces made a proposal to the executive [branch, which] made a counterproposal. For two years we worked on the proposal until, finally, the executive [branch] accepted the army's proposal and sent it to the National Assembly. Clearly there was negotiation, but I believe that it was a negotiation that benefited all Nicaraguans because reason had prevailed."[6]

The Military Code granted the army complete institutional stability by ratifying the army's nonpartisan nature and national character. Article 1 of the

A Sandinista Peoples Army BTR-60 armored personnel carrier on parade in Managua, Nicaragua, circa 1986.

Department of Defense

Code says: "The army of Nicaragua . . . is the only legally recognized armed military entity in Nicaragua. The army will govern itself in strict adherence to the Political Constitution and the Laws to which it will show respect and obedience: as well as in accordance with international agreements and treaties ratified by Nicaragua on the subject of human rights. The members of the army cannot conduct politically partisan proselytism, whether from within or from without the institution, nor perform public duties of a civil nature."[7]

The current (1995) Constitution of Nicaragua, which came about as a result of the reforms of 1987, certified the army as "an armed institution for the defense of sovereignty, independence, and territorial integrity" (Article 92); a "national institution, of a professional, nonpartisan, apolitical, obedient, nondeliberative nature" (Article 93); and an institution that will "govern itself in strict accordance with the Political Constitution, to which it will show respect and obedience" (Article 95).[8]

With the approval of the Military Code and the constitutional reforms of 1995, the army gained the stability it longed for, and the anxiety that characterized it in previous years gave way to an attitude of self-confidence. The Army had succeeded in guaranteeing its legitimacy and permanent institutional stability within the framework of the democratic system.

General Ortega's replacement by Cuadra in February 1995 was an important step that led to the success in modernizing and democratizing Nicaragua's armed forces and consolidating democracy, which helped sever ties the army once had with the FSLN. Backed by the Military Code, the Sandinista People's Army became the Army of Nicaragua.

As President Enrique Bolaños pointed out, "Despite its partisan origins, the current army of Nicaragua has understood the importance of serving the Nation above a person, a family, or a political party."[9] In 2000, as the Military Code required, Cuadra peacefully handed the reins of his position to General Javier Carrión, thus demonstrating the value the army placed in the Constitution and laws of the republic.

Army Autonomy

The Military Code subordinates the army to the civilian authority represented by the president as its supreme commander, but it also obligates the president to choose the army commander in chief from a list of candidates presented by the military council. This provision limits presidential power in choosing the army chief, because it allows a measure of autonomy to the military institution. That is, it can practically name its own leaders. Of course the provision also prevents the president from naming a commander in chief on the basis of political affinities or personal preferences, while ignoring objective criteria such as military seniority and professional qualifications. In the case of the commissioner of national police, a council of commanders presents a proposal to the president, but the president can still select whomever he wants without having to provide legal justification for doing so. When Nicaragua is socially, politically, and economically stable, perhaps the army will cede more autonomy to civilian authorities.

In 1998, a new law, the Law of Organization, Competence, and Procedures, made it unclear

whether Nicaragua's president or minister of defense would control the army. The army followed the Military Code, which allowed it a direct path of communication to the president as the supreme authority of the armed forces. But the minister of defense asserted Law 290 was supreme over the Military Code and subordinated the army to his ministry.[10] President Bolaños publicly declared that during his administration the Military Code would not be reformed and the current chief of the army quickly agreed with the president that this was not the best time to do so.[11]

Bolaños's decision was most likely a result of his predilection for a government that, at the expense of other government agencies, allowed him to concentrate direct power in his hands over the institution that controls arms. When it comes to negotiating and decisionmaking, the army prefers to deal with the president instead of intermediaries, which shows that much remains to be accomplished to strengthen civilian control of military power. Despite the autonomy the army enjoys, its relations with the Ministry of Defense are cordial and collaborative. Minister of Defense José Adán Guerra notes, "We have initiated a process to move forward in forging a unique model of civil-military relations in Central America."[12]


US Air Force

Secretary of Defense Donald Rumsfeld is greeted by Nicaraguan President Enrique Bolaños during his visit to Nicaragua, 12 November 2004.

One cannot deny that the body of law that guarantees the army's autonomy also limits the ability of civilian leaders to exercise control over the military. On the other hand, the army's autonomy has been an important element in guaranteeing stability in a Nicaragua where polarization and political instability are the rule, not the exception. The army's institutional stability has allowed it to contribute to national stability and help create conditions of security and peace during Nicaragua's years of political transition.

Military Transformation and Social Action Missions

Like other armies in the Southern Hemisphere, Nicaragua's army redefined its roles and missions by adjusting to the international opportunities that came about after the end of the Cold War and the predominance of the concept of shared security currently in vogue around the world.[13] The army developed social-action works to justify its permanence at a time when most armed bodies are under intense scrutiny. The army's new missions include—

- Actions against narcotics trafficking, organized crime, and international terrorism.
- UN peace missions.
- Humanitarian de-mining operations.
- Environmental-protection actions, especially with respect to maritime and forest resources.
- Preventive health campaigns such as sanitation, vaccination, and abatement.
- Humanitarian and emergency assistance to the most vulnerable sectors of Nicaraguan society after national disasters.
- Actions to support the Supreme Electoral Council by protecting electoral material and personnel and maintaining internal order during electoral processes.[14]

When the army comes to the aid of those who are most vulnerable in Nicaragua, it deepens its level of acceptance in these social sectors. The services it provides to the Supreme Electoral Council help consolidate the country's democratic process.[15]

President Bolaños evaluated the army's social works in this fashion: "How we wish that the same spirit would reign in the other powers of the State, in the National Assembly, the Supreme Court, and the Electoral Council that we celebrate today with those who are charged with defending our sovereignty and with assisting in humanitarian works, such as de-mining operations and protection of our natural resources, becoming a professional army and a beneficial example by embracing a nondeliberative form of conduct in political matters. . . . As the Chief of the Emergency Committee during Hurricane Mitch, I could count on the support of these men—men who saved lives; who flew helicopters carrying medicines and food; who rescued children and adults from the rushing waters; who transported the injured, risking their lives for those who needed help."[16]

Internal Order

The army has a gentle, pleasant face during civil-military actions, but it also has a rough face—and a strong fist—to help maintain internal order when the Nicaraguan police cannot guarantee it. Clause 2 of Article 6 of the Military Code establishes that the President of the Republic has the power to order the army to act "against groups and organizations of armed irregulars in national territory when the situation exceeds the capacity of the police forces to extinguish it."[17] In performing this delicate function, the army of Nicaragua has avoided committing abuses against protests of a civil nature but retained the right to use force against those who employ violence against the government.

In 2002, the Army disarmed the last remaining armed groups in Nicaraguan—ex-Contras and ex-EPS members who had devastated northern Nicaragua for 12 years. Unfortunately, the socioeconomic conditions that make possible the resurgence of new armed groups still persist. Nicaragua is one of the poorest countries in the Western Hemisphere and one of the most indebted nations in the world. Unemployment and underemployment have reached 50 percent, and poverty affects more than 70 percent of the population.

Years have passed since 25 February 1990, but no support program exists to integrate those who fought in the revolutionary war back into the civil sector. Such a program is necessary for lasting peace in Nicaragua and would be a humanitarian gesture for the thousands of Nicaraguans who fought an armed struggle for political and ideological differences, which today have been resolved among national leaders and the foreign powers that incited these differences.[18]

As long as the socioeconomic conditions for most Nicaraguans do not improve, the army's critical functions will not be social-action works or environmental-protection missions. In "Nicaragua, so violently sweet," as the celebrated Latin American novelist Julio Cortazar put it, the army is, as a last resort, the organization that guarantees national stability—a phenomenon that testifies to the structural weakness of the Nicaraguan state.[19]

Looking Forward

In 1990, Nicaragua faced a situation that could have generated a social explosion with grave repercussions if negotiations had not been undertaken. Had they not accepted the situation then with maturity, faith, pragmatism, and a vision of the future, the FSLN and the EPS might have taken an orthodox approach and refused to cede power; kept the country under the scourge of a bloody civil war; or worse, converted Nicaragua into another Cuba.

An extremely important step forward toward achieving democracy was taken in that unique moment in which the FSLN and the EPS decided to hand over power, negotiate a political transition, and assume the responsibility of adapting to meet present and future challenges.

The army transformed itself—not because it wanted to—but because of national and international realities. An open attitude toward the process of change predominated. Embracing pragmatism was in itself an important change in mentality that helped bring the army of Nicaragua into being. The Transition Agreements allowed the EPS to guarantee its institutional survival and initiate its definitive institutionalization.

Yesterday, it was duty to a party; today, it is duty to the nation. Eliminating partisanship within the army was an important step toward its modernization, even though the EPS continued to be a politically deliberative entity under General Ortega's leadership, if for no other reason than because of General Ortega's personality and ambitions. To achieve institutionalization, the EPS had to self-actualize in the political realm. The armed forces saw themselves as players in a chess match in which they would gain by following the rules of the democratic process.

In essence, after the Sandinistas' electoral defeat in 1990, the army's most important weapon has not been the Russian AK-47 rifle but loyalty to the Nicaraguan Constitution. The Constitution has been the army's shield and sword, enabling it to successfully navigate through a period of great political instability that prevailed in post-Sandinista Revolutionary Nicaragua.

The stability the army attained has been a positive element for the stability of Nicaragua. Without an army that, as a last resort, guarantees public order, Nicaragua might be ungovernable. The army's change in course helped consolidate Nicaraguan democracy. The respect the army showed toward the Constitution and the Law helped stabilize the sociopolitical situation in the country. During the 1980s, Nicaragua was unstable and polarized. The army's current disposition has not aggravated the situation or led to worse developments, such as a coup d'état or some other equally detrimental political action. Since 1990, the army has been the principal guarantor of government stability. Dependence on the army to guarantee the survival of civilian administrations reveals the instability that characterizes Nicaraguan society.

The critical role the army plays is a result of the structural weaknesses in Nicaraguan society, not its strengths. All one can do is hope for is a healthier Nicaragua in the future—a Nicaragua of common

consent and more democratic in terms of redistribution of wealth among its citizens—indispensable conditions for a lasting peace. Perhaps, with increased social stability, the army will consent to cede more of its autonomy.

Despite the limitations the Military Code imposes on civilian authority and the institutional weakness of the current minister of defense, civilian supervision over the armed forces has strengthened. The promulgation of the Military Code and the retirement of General Ortega contributed greatly to strengthening the army's professional character.

Despite his inherent personality weaknesses, General Ortega deserves credit for having organized and transformed FSLN guerrilla columns into a military structure—the EPS. Currently, the army is a young army, and despite its partisan past, it has put itself at the forefront of all other armies in the region by acting with professionalism and patriotism.

General Ortega sculpted the current army of Nicaragua, which is perhaps his greatest contribution to Nicaragua. His retirement, which allowed the transfer of power within the army, was also an immense contribution to the internal stabilization and democratization of the armed forces.

These peaceful transfers of power have been transcendental events in Nicaraguan history. In 300 years of colonialism and 182 years of republican life, Nicaragua has been almost constantly plagued by colonial domination, wars, coups d'état, foreign interventions, dictatorships, and a revolution. The peaceful transfer of command within the army of Nicaragua has been without a doubt a valuable contribution to the country's democratic transition process.

The professionalization of the armed forces and the consolidation of civilian leadership over the military is still a work in progress. But, as post-Sandinista Nicaragua advances on the road to democracy, it should be able to continue consolidating a democratic model of civil-military interaction and to continue overcoming paradoxes caused by civilian and military encounters.

In Nicaragua, negotiation has been crucial to forming relations between civilian and military authorities and to professionalizing the army—a process that transformed a partisan army into a nonpartisan, apolitical, and nondeliberative one. This kind of negotiation could be a relevant model for the successful management of encounters between civilians and military in other societies undergoing democratic transition. ***MR***

NOTES

1. The 1987 Political Constitution established that the EPS was the only military institution of the Nicaraguan State. Law 75, published by the FSLN 2 days after UNO's electoral victory established that civilian authorities had no authority to name the chief of the army and that the military council would be in charge of electing one. Similarly, it did not stipulate the mechanisms for the designation or demotion of the chief. Even with the Constitution of Nicaragua and Law 75 existing as legal bodies that protected the EPS, President Violeta Chamorro, making use of her powers, could have promulgated a presidential decree in which she ordered the dismantling of the army, as she did with the Patriotic Military Service [the draft] that was in effect at the time the government changed. The fears related to this possibility and the grave consequences that such a scenario could have had for Nicaragua demonstrate how delicate the first moments of the political transition in Nicaragua were.
2. The EPS controversy was especially delicate because the Contras, a military group that opposed the EPS during the 1980s, despite having officially disarmed themselves following the electoral triumph of UNO, rearmed themselves and became known as the Re-Contras. This situation became even worse with the formation of a military organization made up of groups known as Re-Compas. These individuals took up arms following the EPS's discharge process within the political transition framework in Nicaragua. The situation became even more complex when right-wing sectors in Nicaragua organized a group known as the Civil Law Movement, which proposed disbanding the EPS as a way to achieve the full demilitarization of Nicaragua.
3. Luis Carrión, member of the National Directorate of the FSLN, personal interview, 1994.
4. Carlos Fernando Chamorro, Nicaraguan journalist and member of the FSLN, personal interview, 1994.
5. *Envío Magazine* (September 1994).
6. Colonel Ricardo Wheelock, Chief of the Center of Military History (CHM) of the Nicaraguan Army, interview with the author, June 1994.
7. Code of Social Military Organization, Jurisdiction, and Forecast, Republic of Nicaragua, 2 September 1994.
8. Political Constitution of the Republic of Nicaragua, 1995.
9. Enrique Bolaños, *Memoria del Ejército de Nicaragua* (Nicaragua army memories) (2002), no other publishing data given, 85; *Nicaragua Libre de Minas* (Nicaragua free of mines), no other publishing data given.
10. Law 290, Article 20, states: "In accordance with the Political Constitution, by delegation of the President of the Republic, in his duty of Supreme Chief of the Army of Nicaragua, it is to be determined by this Ministry [of Defense] to direct the elaboration of policies and plans regarding matters of the defense of sovereignty, independence, and national territorial integrity and within this authority to participate, coordinate, and approve the plans and actions of the army of Nicaragua."
11. *La Prensa,* 26 May 2002; *La Prensa,* 8 June 2002.
12. *Memoria del Ejército de Nicaragua 2002*, 85.
13. In this concept, sovereignty is no longer an exclusively military problem limited by the territorial spaces of the so-called nation-states. Today, security and sovereignty are more economic, social, political, and environmental in nature. The principal transnational crimes are found in terrorism, narcotics trafficking, illegal arms trafficking, money laundering, and organized crime. In the face of this new reality, the traditional role of the armed forces naturally comes into question. Therefore, the principle that establishes the mission of the armed forces to militarily guarantee the defense of national sovereignty against external threats is no longer absolutely valid. Despite this, the armed forces continue to pursue their traditional roles while assuming new missions within society.
14. During the 1980s, the EPS participated in civil defense activities, especially in the wake of Hurricane Joan that devastated Nicaragua in 1988; supported preventive health activities; and assisted the Supreme Electoral Council (CSE) during the 1982 and 1984 elections.
15. The army's social-action works extend beyond Nicaragua's borders. For example, the army participated in humanitarian operations in El Salvador following the 2000 earthquake. The army also conducts de-mining operations in Iraq and renders medical assistance to the Iraqi people.
16. *Memoria del Ejército de Nicaragua 2002*, 85.
17. Code of Social Military Organization, Jurisdiction, and Forecast, Republic of Nicaragua, 2 September 1994.
18. Despite the fact that being discharged from the army was not flattering for those forced to leave, it was a positive measure for the professionalization of the army and allowed the army to rid itself of undesirable elements. The officers who remained had the ability and potential to stand out as true professionals.
19. Julio Cortazar, *Nicaragua tan violentamente dulce* (Nicaragua, so violently sweet) (Managua: Editorial Nueva Managua, 1983).

Margarita Castillo Villarreal is a research associate at the U.S. Department of Defense Western Hemisphere Institute for Security Cooperation, Fort Benning, Georgia. She was a Rockefeller Fellow for the Humanities at the Institute on Violence and Survival, University of Virginia, and a Research Scholar at the David Rockefeller Center for Latin American Studies at Harvard University.